APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,846	09/29/2003	Mark Bernard Hettish	2003P08062US	3718

7590   06/30/2008

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER
PADMANABHAN, KAVITA

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
06/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 April 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-7 and 15-17</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-7 and 15-17</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

DETAILED ACTION

Status of Claims

1.   Claims 1, 15, and 16 have been amended.

2.   Claims 1-7 and 15-17 are pending.

3.   Claims 1-7 and 15-17 are rejected.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

5.   **Claims 1-7 and 15-17** are rejected under 35 U.S.C. 102(b) as being anticipated by

Diacakis et al. (US 2002/0116336, hereinafter "Diacakis").

In regards to **claim 1, Diacakis** teaches a method, comprising:

–   interfacing an identity oriented context application that represents a context of an identity

    based on an availability of the identity with a device oriented context application that

    represents the context of the identity based on an availability of a device associated with

    the identity (**Diacakis; Fig. 1; Fig. 4 – presence detection engine interpreted as device

    oriented context system since it determines user's presence on particular devices,

    and availability management engine interpreted as identity oriented context system**

since it determines user's availability based on user's situation; **par [0026]; par**

[0044]-[0045]);

- determining, by said device oriented context system, a device oriented context for a

  specific device associated with an identity (Diacakis; par [0043]-par [0044] – "*to*

  determine if the individual is present on a landline telephone, for example, the landline

  desk phone 44 in his office," "*to determine if the individual is present on his mobile*

  phone 46", "*to determine whether an individual is present on other devices such as, for*

  example, a personal digital assistant (PDA) 50 or a pager 52"; Fig. 8), wherein said

  device oriented context provides an availability status of said specific device (Diacakis;

  par [0026]; par [0043]-par [0044] – a landline telephone is clearly a specific device

  for which an availability status is determined, as is a PDA; par [0045]; par [0053]);

- determining, by said identity oriented context system, an identity oriented context for said

  identity, wherein said identity oriented context provides an availability status of said

  identity (Diacakis; par [0056]; par [0059]; Fig. 8);

- determining an availability rule associated with said identity (Diacakis; par [0031]; par

  [0038] – "*determine the individual's availability based on the presence information as*

  well as additional information, such as the individual's situation and defined rules and

  preferences");

- determining, for a specific time, a true availability of said identity based, at least in part,

  on said device oriented context for said specific device, said identity oriented context,

  said availability rule, and said specific time (Diacakis; par [0034] – par [0035]; par

  [0038]; par [0040] – "*As illustrated in FIG. 4, the presence detection engine 18 may*

> *receive various inputs to determine, to the extent possible, the individual's presence.*
> *One type of input that the presence detection engine 18 may use to help determine the*
> *individual's presence is time-based input 40.*"; par [0043] – par [0044]; par [0056];
> [0059]; Fig. 8); and

– providing data indicative of said true availability of said identity (**Diacakis; par [0035];**
   Fig. 8).

In regards to **claim 2, Diacakis** teaches the method of claim 1, further comprising receiving a request for information regarding true availability of said identity (**Diacakis; par [0029] – par [0030]**).

In regards to **claim 3, Diacakis** teaches the method of claim 1, wherein said determining said true availability of said identity includes determining availability of said identity via at least two different media channels (**Diacakis; par [0031], lines 21-25; par [0035]; par [0038]; par [0040]; par [0043] – par [0044]**).

In regards to **claim 4, Diacakis** teaches the method of claim 1, further comprising establishing said availability rule (**Diacakis; par [0031]**).

In regards to **claim 5, Diacakis** teaches the method of claim 1, wherein said providing data indicative of said true availability of said identity includes displaying an interface indicative of said availability (**Diacakis; par [0056]; Fig. 8**).

In regards to **claim 6**, **Diacakis** teaches the method of claim 5, wherein said interface identifies said identity (**Diacakis; par [0056]; Fig. 8**).

In regards to **claim 7**, **Diacakis** teaches the method of claim 1, further comprising determining said identity (**Diacakis; par [0038]; par [0056]; Fig. 8**).

Claims 15 and 16 are each rejected with the same rationale given for claim 1.

In regards to **claim 17**, **Diacakis** teaches the method of claim 1, wherein said identity is associated with a plurality of devices (**Diacakis; par [0026]; par [0044] – par [0045]; Fig. 8**).

Response to Amendment

6.   Applicant's amendments filed 4/7/08 with respect to the 35 USC 112, 1st paragraph rejections have been considered. The rejections have been withdrawn accordingly.

Response to Arguments

7.   Applicant's arguments filed 4/7/08 with respect to the prior art rejections of the claims have been fully considered but they are not persuasive.

Applicant argues that Diacakis does not teach the claimed device oriented context application. The examiner respectfully disagrees and asserts that the presence detection engine

of Diacakis is interpreted as a device oriented context application since it determines a user's

presence on particular devices (Diacakis; Fig. 1; Fig. 4).

Specifically, applicant argues that no availability of a device is determined by Diacakis.

Rather, applicant argues that Diacakis determines the availability of the "individual" on the

network or device, not the availability of the network or device itself. The examiner respectfully

disagrees and asserts that Diacakis clearly determines the availability of devices on a network by

determining presence information for the device (Diacakis; par [0044]-[0045]), including

determining whether a device is switched on/off (Diacakis; par [0026]).

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Kavita Padmanabhan** whose telephone number is **(571)272-**

8352. The examiner can normally be reached on Monday-Friday, 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kavita Padmanabhan   June 24, 2008
Assistant Examiner
AU 2161

/K. P./

/Apu M Mofiz/
Supervisory Patent Examiner, Art Unit 2161